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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,106	04/13/2001	Bao Feng	45539-20009.00	5315

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EXAMINER

PARTHASARATHY, PRAMILA

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/834,106

Applicant(s)

FENG ET AL.

Examiner

Pramila Parthasarathy

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/13/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the communication filed on February 28, 2005.

Election/Restrictions

2. Applicant's election without traverse of Claims 1 – 4 in the reply filed on February 28, 2005 is acknowledged. However, upon further considerations, Election/Restriction has been withdrawn. Presently Claims 1 – 8 are pending.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Singapore on 04/13/2000. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

Specification

4. The disclosure is objected to because of the following informalities: Subscripts and range values throughout the specification need to be corrected. For example, m_1 or k_1 should read as m_i or k_i .

Appropriate correction is required.

Claim Objections

5. Claims 1 – 4 are objected to because of the following informalities:

Independent Claims 1 and 3 contain typographical errors, for example subscripts are numbered (1) and the range (1=1,2,...N) doesn't correspond to these numbers,

Claim 3 reads "... (mod p,, there is no corresponding closing of brackets,

Claim 3 reads "... generating random numbers w...". Replace with "... generating random number w ...".

Appropriate corrections are required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1 – 6 and 8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

7. Claims 1, 3, 5 and 6 are drawn to non-statutory subject matter. Claims 1 and 3 state "A method .. comprising: generating a random number, ... computing .. sending ...user". Claims 3 and 6 state "A method .. comprising the steps of: requesting...receiving...encrypting...decrypting...keys". These limitations are considered non-statutory subject matter because they are directed to an abstract idea, such as a mathematical algorithm, which is not technologically embodied.
8. Claim 8 is drawn to non-statutory subject matter. Claim 8 does not show how key is generated, encrypted by the computer and are considered non-statutory subject matter because they are directed to an abstract idea.
9. Claims 2 and 4 are rejected based on their dependency from Claims 1 and 3.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Chor et al. (U.S. Patent Number 5,855,018).

11. Regarding Claim 7, Char teaches and describes an apparatus comprising:
- a computerized database (Fig. 1 and Column 13 lines 42 – 48);
 - coupled to the database a computer user (Fig. 1, 2 and Column 13 lines 42 – 48);
 - coupled to the database, a transmitting module for transmitting data to the user (Fig. 1, 2; Column 13 lines 42 – 48 and Column 14 lines 8 – 10) ;
 - coupled to the database, a receiving module for receiving data from the user (Fig. 1 and Column 42 – 48);
 - coupled to the database, a random number generating module for generating random numbers (Column 5 lines 22 – 24 and Column 14 lines 41 – 42);
 - coupled to the database, a key generating module for generating cryptographic keys (Column 5 lines 3 – 4 and Column 14 lines 36 – 39);
 - coupled to the database, an encrypting module for encrypting data (Column 14 lines 37 – 45);
 - coupled to the database, a decrypting module for decrypting data (Column 14 lines 37 – 45);
 - coupled to the user, a requesting module for requesting data from the database (Column 14 lines 8 – 22);
 - coupled to the user, a transmitting module, for transmitting data to the database (Column 14 lines 8 – 22);
 - coupled to the user, a receiving module, for receiving data from the database (Column lines 8 – 22);

coupled to the user, a random number generating module for generating random numbers (Column 14 lines 35 – 44);

coupled to the user, an encrypting module for encrypting data (Column 14 lines 35 – 44); and

coupled to the user, a decrypting module for decrypting data (Column 14 lines 44 – 49).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on Tuesday – Thursday 8:00a.m. To 3:00p.m..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy

March 15, 2005.


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100